

SB0290S01 compared with SB0290

~~{deleted text}~~ shows text that was in SB0290 but was deleted in SB0290S01.

inserted text shows text that was not in SB0290 but was inserted into SB0290S01.

DISCLAIMER: This document is provided to assist you in your comparison of the two bills. Sometimes this automated comparison will not be completely accurate. Therefore, you need to read the actual bill. This automatically generated document could experience abnormalities caused by: limitations of the compare program; bad input data; the timing of the compare; and other potential causes.

Senator Peter C. Knudson proposes the following substitute bill:

ABATEMENT OF WEEDS, GARBAGE, REFUSE, AND UNSIGHTLY OBJECTS

2011 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Peter C. Knudson

House Sponsor: _____

LONG TITLE

General Description:

This bill amends provisions authorizing a municipal ~~{inspector}~~legislative body to ~~{eradicate or remove and destroy}~~regulate the abatement of weeds, garbage, refuse, or unsightly objects.

Highlighted Provisions:

This bill:

- ▶ provides that an owner or occupant may select a person ~~{, other than a municipal inspector,}~~ to provide an ~~{eradication or removal and destruction}~~abatement service; and
- ▶ makes technical corrections.

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Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

10-11-1, as last amended by Laws of Utah 2003, Chapter 292

10-11-3, as last amended by Laws of Utah 2005, Chapter 69

Be it enacted by the Legislature of the state of Utah:

Section 1. Section 10-11-1 is amended to read:

10-11-1. Abatement of weeds, garbage, refuse, and unsightly objects -- Selection of service provider.

(1) A municipal legislative body may designate, and regulate the abatement of, injurious and noxious weeds, garbage, refuse, or any unsightly or deleterious objects or structures, and may appoint a municipal inspector for the purpose of carrying out the provisions of this chapter.

(2) A municipal legislative body may not:

(a) prohibit an owner or occupant of real property within the municipality's jurisdiction, including an owner or occupant who receives a notice in accordance with Section 10-11-2, from selecting a person, as defined in Section 10-1-104, to provide an abatement service for injurious and noxious weeds, garbage, refuse, or any unsightly or deleterious objects or structures; or

(b) require that an owner or occupant described in Subsection (2)(a) use the services of the municipal inspector or any assistance employed by the municipal inspector described in Section 10-11-3 to:

(i) provide an abatement service described in Subsection (2)(a); or

(ii) cause weeds, garbage, refuse, objects, or structures to be removed and destroyed under Section 10-11-3.

Section ~~11~~2. Section 10-11-3 is amended to read:

10-11-3. Neglect of property owners -- Removal by city -- Costs of removal --

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Owner selection of.

(1) (a) If [any] an owner or occupant of lands described in the notice under Section 10-11-2 fails or neglects to eradicate, or destroy and remove, the weeds, garbage, refuse, objects, or structure upon the premises in accordance with the notice, the municipal inspector [shall] may ~~};~~:

(i) ~~subject to Subsection (3)~~ Section 10-11-1, ~~};~~

~~(i)~~ at the expense of the municipality, employ necessary assistance and cause the weeds, garbage, refuse, objects, or structures to be removed [or] and destroyed; and

(ii) prepare an itemized statement of all expenses, including administrative expenses, incurred in the removal and destruction of the weeds, garbage, refuse, objects, or structures and mail a copy of the statement to the owner demanding payment within 30 days of the date of mailing.

(b) Each notice under Subsection (1)(a) shall be considered delivered when mailed by certified mail addressed to the property owner's last-known address.

(2) (a) If the owner fails to make payment of the amount set forth in the statement ~~described in Subsection (1)(a)(ii)~~ to the municipal treasurer within the required 30 days, the inspector, on behalf of the municipality, may:

(i) cause suit to be brought in an appropriate court of law; or

(ii) refer the matter to the county treasurer as provided in Subsection (2)(c).

(b) If collection of the costs are pursued through the courts ~~under Subsection (2)(a)(i)~~, the municipality may:

(i) sue for and receive judgment upon all of the costs of removal and destruction, including administrative costs, together with reasonable [attorneys'] attorney fees, interest, and court costs; and

(ii) execute on the judgment in the manner provided by law.

(c) If the inspector elects ~~under Subsection (2)(a)(ii)~~ to refer the matter to the county treasurer for inclusion in the tax notice of the property owner, the inspector shall:

(i) make, in triplicate, an itemized statement of all expenses, including administrative expenses, incurred in the removal and destruction of the weeds, garbage, refuse, objects, or structures; and

(ii) deliver the three copies of the statement to the county treasurer within 10 days after

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the expiration of the 30-day period provided in the statement under Subsection (1)(a)(ii).

~~{ (3) A municipal legislative body may not prohibit an owner or occupant who receives a notice described in Section 10-11-2 from, in order to comply with the notice, selecting a person, as defined in Section 10-1-104, other than the municipal inspector or any assistance employed by the municipal inspector under Subsection (1)(a)(i) to provide an eradication or destruction and removal service.~~

Legislative Review Note

~~as of 2-9-11 10:21 AM~~

~~Office of Legislative Research and General Counsel}~~